



# *Licensing Board*

February 9, 2009 - 7:00 p.m. – **Agenda**  
133 William Street, Room 314

View Minutes

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**PRESENT:** Steven A. Beauregard, Chairman  
Ronald E. Frenette, Commissioner  
Atty. John A. Markey, Jr. Asst. City Solicitor  
Capt. Steven Vicente, Liaison to the Licensing Board  
Nick Nanopoulos, Director

## **APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION**

### **Transfer & Pledge of License - Tr. # 170**

**B & J Beverage Corp. d/b/a Mark's Beverage, William B. Macomber, President**, who is petitioning to transfer an Annual Retail Package Good Store All Alcoholic Beverages License to **Jai Balaji, LLC d/b/a Mark's Beverage**, Co-Members and Co-Interest Holders of the LLC are Girish M. Kanparia, Manish M. Kanparia, and **Manubhai Patel**, who is also the **Proposed Manager of the liquor license**; also, a **Pledge of the Retail Package Store All Alcoholic Beverages License and Inventory to Rockland Trust Company**, as security to authorize and execute a **promissory note for \$140,000.00**, pursuant to Massachusetts General Laws Ch.138 s.23. Premises will remain the same at **642 County Street. (Plot # 65--278)** Final approval will require a '**Change of Tenant**' from the Building Department.

**Approved By ABCC – 01/27/09**

### **1. APPLICATION, (No Representation Needed)**

**"Healing Little Hearts", Kelly Weglowski, Representative** who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Benefit/Children's Hospital in Boston' to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, March 7, 2009, from 6:00 p.m. until 11:00 p.m.**

### **2. Hearing: B & J Beverage Corp., Inc.**

**d/b/a Mark's Beverage**

**William B. Macomber, Manager – 4<sup>th</sup> Offense – On Probation**

**642 County Street**

**Your presence** and that of **Theresa Gelinas, (Clerk)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

### **Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

### **Alcoholic Beverages Control Commission Regulation 204CMR2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

### **Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

### **Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female clerk

later identified as **Theresa Gelinas**, who was later informed that she allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Thursday, January 15, 2009 @ approximately 7:00 p.m.**

**#2009 – 00176/1**

**NOTE: Transfer Approved By ABCC on 01/27/09**

**Recommendation:** Receive & Place on File, No Further Action

**3. Hearing: Jin's Mini Mart, Inc. d/b/a**

**Muldoon's Mini - Mart**

**Jin Hee Lee, Manager – 3<sup>rd</sup> Offense – On Probation**

**1411 Phillips Road**

**Your presence** and that of **Matthew Fitzsimmons, (Clerk)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204CMR2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Matthew Fitzsimmons (19 Years Old)**, who was later informed that he allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Saturday, January 3, 2009 @ approximately 8:08 p.m.**

**#2009 - 00176**

**4. Hearing: Joao Natel Corp.**

**d/b/a Shawmut Package Store**

**Joao Paulo Cordeiro, Manager – 2<sup>nd</sup> Offense**

**558 Shawmut Avenue**

**Your presence** and that of **Natalia Cordeiro, (Clerk)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204CMR2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female clerk later identified as **Natalia Cordeiro**, who was later informed that he allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Thursday, January 15, 2009 @ approximately 6:00 PM – 00176/1**

**5. Hearing: New Bedford Wine & Spirits, Inc.**

**d/b/a Douglas Wine & Spirits**

**Ronald S. Bochner, Manager – 1<sup>st</sup> Offense**

**500 Kings Highway**

**Your presence** and that of **Lori Sampson, (Clerk) and Christine Adamides (Manager)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204CMR2.05 :( 2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female clerk later identified as **Lori Sampson**, who was later informed that he allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Saturday, January 3, 2009 @ approximately 8:20 p.m.**  
**#2009 - 00176**

**6. Hearing: RMS of New Bedford, Inc.**

**d/b/a Epicure Liquors**

**Robert S. Mayo, Manager – 1<sup>st</sup> Offense**

**60 Nauset Street**

**Your presence**, and that of **Marc Dean, (Clerk)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204CMR2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Marc Dean**, who was later informed that he allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Saturday, January 3, 2009 @ approximately 6:35 p.m.**  
**#2009 - 00176**

**7. Hearing: RR Petroleum, Inc.**

**d/b/a Food Mart (Lukoil)**  
**Nayana Patel, Manager – 1<sup>st</sup> Offense**  
**30 Rockdale Avenue**

Your presence and that of **Rahil Ajmeri, (Clerk) and Unus Ajmeri, (Owner)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204CMR2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Rahil Ajmeri**, who was later informed that he allegedly just sold alcohol to a minor.

**Note:** The Clerk, Rahil Ajmeri, did not have any identification on him but stated he was 18 yrs. old.

**Date and time of alleged violations: Friday January 16, 2009 @ approximately 7:35 p.m.**  
**#2009 – 00176/2**

**8. Hearing: Friendly Liquors**

**Americo F. Nogueira, Licensee – 1<sup>st</sup> Offense**  
**1567 Acushnet Avenue**

Your presence, and that of **Scott Santos, (Clerk)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204CMR2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Scott Santos**, who was later informed that he allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Saturday, January 3, 2009 @ approximately 7:22 p.m.**  
**#2009 - 00176**

**9. Hearing: Premium Liquors, Inc.**

**Joseph Casella, Manager – 1<sup>ST</sup> Offense**  
**1926 Purchase Street**

**Your presence**, and that of **Matthew Carlson, (Clerk)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204CMR2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Matthew Carlson**, who was later informed that he allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Saturday, January 3, 2009 @ approximately 6:25 p.m.**

**#2009 - 00176**

**10. Hearing: Sapatinha's Café, Inc.**

**Jose G. Borges, Manager**  
**289 Acushnet Avenue**

**Your presence is requested** at a hearing based on multiple police reports to determine whether you have violated certain provisions of Massachusetts General Laws, Alcoholic Beverages Control Commission Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Reports as follows; and based on the numerous and continual occurrences of late night disturbances, which require calls to service by the N. B. Police Department:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**ABCC Regulation 204CMR2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5, 11, 12-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited; Excessive Noise, Crowds, and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

**Summary of Incident Report # 1 - #2008 - 23765**

Police Department Incident Report states that Officers were dispatched to 289 Acushnet Avenue regarding a report of a fight in progress involving approx. 15 to 20 people. Upon arrival, the Officers observed several individuals exiting the rear door of Sapatinha's Café into the parking lot, which already had over fifty (50) people watching the physical altercation, at which point the officers exited their cruiser and requested that the people disperse from the area, which was not heeded by several males and females alike.

The disturbance, which required the response of close to 20 Officers to the scene, resulted in several people being charged with Assault and Battery on a Police Officer, and the arrest of 10 people that were involved in this incident.

**Date and time of alleged violations: Sunday, December 28, 2008 @ approximately 2:00 a.m.**

**Summary of Incident Report # 2 – 2008 - 23773**

Police Department Incident Report states that several individuals both males and females, were arrested related to the above stated disturbance, of which one male, while being searched in booking, was in possession of identification, which he stated was his but was actually identification of another male.

Upon being questioned by the Officers, the male stated that he had his true identification in his pocket and was only using the other identification to gain entry into Sapatinha's; and added he presented the identification to the doorman standing at the front of the door of Sapatinha's, and was allowed entry inside, where he bought and consumed (2) Budweiser beers. The Officer noted in his report that the male pictured in the identification and the male that used it did not look similar in appearance.

**Date and time of alleged violations: Sunday, December 28, 2008 @ approximately 2:00 a.m.**

• **CORRESPONDENCE,**

From: Eddie J. Jenkins, Chairman, for the ABCC  
01/29/09

Dated – 01/27/09 Received –

**Re: Merchant Mariners Social Club, Inc.**

**26 Wing Street**

**Hearing Date – Tuesday, March 3, 2009 @ 11:00 a.m.** for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Commission Regulations as follows: M.G.L. CH. 62, sec. 47A (d), and 830 CMR 62C .47A.2: **Failure To Pay Club Alcohol Meals Taxes (DOR)**

• **REVIEW POLICE DEPARTMENT INCIDENT REPORT/ COMPLAINTS**

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Libads	#2009 – 01412	01/25/09	Disturbance/Patrons Outside of Premises w/ Alcohol
2. Tropicana Bar & Grill	#2009 – 01410	01/25/09	Disturbance/Intoxicated Minor on Premises/No I.D.

**STINGS**

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u> (Serving Minors)
1. 1846 Bar & Grill	#2009 – 00176/3	01/04/09	Serving Underage/Sting (1 <sup>st</sup> Offense)
2. Carreiro's Pub 126	#2009 – 00176/6	01/04/09	Serving Underage/Sting (Previous ABCC Sting - 04/30/08)
3. Lebanese Kitchen	#2009 – 00176/5	01/04/09	Serving Underage/Sting (1 <sup>st</sup> Offense)
4. O'Escondidinho	#2009 – 00176/6	01/04/09	Serving Underage/Sting (1 <sup>st</sup> Offense)
5. The Dipper Café	#2009 – 00176/3	01/04/09	Serving Underage/Sting (1 <sup>st</sup> Offense)
6. Tony's Café & Bar	#2009 – 00176/6	01/04/09	Serving Underage/Sting (Previous ABCC Sting 01/02/08)
7. United Fisherman Club	#2009 – 00176/5	01/04/09	Serving Underage/Sting (1 <sup>st</sup> Offense)
8. Vasco Da Gama	#2009 – 00176/6	01/04/09	Serving Underage/Sting (Previous ABCC Sting 01/02/08)
9. VISIONS	#2009 – 00176/5	01/04/09	Serving Underage/Sting (2 <sup>nd</sup> Offense – On Probation)
10. Wharf Tavern & Deli	#2009 – 00176/3	01/04/09	Serving Underage/Sting

Note: There were compliance checks made on 53 On Premise Liquor License Holders, with the following results reported:

- **10 Establishments - Sold to an underage cadet (23%)**
- **34 Establishments - Carded and did not serve the cadet**
- **9 Establishments - Were closed**

• **COMPLAINTS RECEIVED:**

-None-

• **ANNUAL REPORT 2008**

In accordance with **Chapter 138, s10A of the Massachusetts General Laws**, relative to the granting of licenses for the sale of alcoholic beverages, we are pleased to submit herewith a full report of the actions of the New Bedford Licensing Board for the year **2008**.

There were a total of **179** liquor licenses granted as renewals for the year **2009**.

The following license was not renewed for **2009**:

- **Papa Gino's, Inc. CV W & M - Licensee Decision – Did Not Renew**  
Note: Under Quota – New Application to Be Submitted
- **LaCandela Restaurant, Inc. d/b/a LaCandela – License Canceled by N. B. Licensing Board**  
Note: New Application Submitted – Approved 01/20/09

There was **1** 'New' Seasonal license issued in **2008**:

- **MWTP, Restaurant Ventures, Inc. d/b/a Davy's Tiki Bar – Lic. #214**  
Note: Licensee plans to renew license.

The number of licenses of each class renewed for **2009** is as follows:

Innholder All Alcoholic Beverages .....	1
Restaurant All Alcoholic Beverages .....	85
Restaurant Wines and Malt Beverages (7 Days Licenses).....	14
Restaurant Wines and Malt Beverages (6 Days Licenses).....	4
General on Premise All Alcoholic Beverages.....	17
Club All Alcoholic Beverages.....	27
Club Wines and Malt Beverages .....	0
Retail Package Goods Store All Alcoholic Beverages .....	24
Retail Package Goods Store Wines and Malt Beverages.....	8
Druggist All Alcoholic Beverages .....	0
<b><u>Total Licenses</u></b> .....	<b><u>179 (-2)</u></b>
<b><u>Special One - Day Licenses Granted in 2008:</u></b>	
Special One Day All Alcoholic Beverages Licenses.....	<b><u>128</u></b>
Special One Day Wines and Malt Beverages Licenses.....	<b><u>25</u></b>

Revenue received from the various classifications of licenses during **2008**:

**Renewals:**

1 Innholder All Alcoholic Beverages Licenses	\$4,100.00
85 Restaurant All Alcoholic Beverages Licenses	\$242,250.00
4 Restaurant Wines and Malt Beverages Licenses 6 DAY Wine & Malt)	\$6,400.00
13 Restaurant Wine and Malt Beverages Licenses (7 Day Wine & Malt)	\$20,500.00
17 General on Premise All Alcoholic Beverages Licenses	\$49,300.00
27 Club All Alcoholic Beverages Licenses	\$59,400.00

24 Retail Package Goods Store All Alcoholic Beverages Licenses	\$55,200.00
8 Retail Package Goods Store Wines and Malt Beverages Licenses	\$12,400.00
1 Seasonal License (Davy's Tiki Bar)	\$1,500.00
1 Partial Fee – CV W & M License (Al's Dog House, Inc. – Issued 11/05/08)	\$266.00
128 Special One - Day All Alcoholic Beverages Licenses	\$12,800.00
25 Special One - Day Wines and Malt Beverages Licenses	\$1,875.00
59 Filing Fees	\$4,425.00
Total Revenue.....	\$470,416.00

Schedule of License Fees for **2009** is as follows:

Innholder All Alcoholic Beverages	\$4,100.00
Restaurant All Alcoholic Beverages	\$2,850.00
Restaurant Wines and Malt Beverages - 7 Days	\$1,700.00
Restaurant Wines and Malt Beverages - 6 Days	\$1,600.00
General on Premise All Alcoholic Beverages	\$2,900.00
Club All Alcoholic Beverages	\$2,200.00
Club Wines and Malt Beverages	\$1,350.00
Retail Package Goods Store All Alcoholic Beverages	\$2,300.00
Retail Package Goods Store Wines and Malt Beverages	\$1,550.00
Druggist All Alcoholic Beverages	\$600.00
Special One-Day All Alcoholic Beverages	\$100.00
Special One-Day Wines and Malt Beverages	\$75.00
Filing Fees	\$75.00

There were **31** 'Violation Hearings' held in 2008.

The foregoing is a correct statement of the number of liquor licenses, the fees charged for same, and the total amount of revenue received from the licenses by the **New Bedford Licensing Board for the year 2008.**

New Bedford Licensing Board  
Steven A. Beauregard  
Chairman

- **NEXT TWO (2) MEETING DATES:** February 23, March 9 (?) & March 23
- **MEETING ADJOURNED:**